

# City of Newburgh

## Press Release

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*For immediate release*

March 27, 2012

### **Governor Cuomo Responds to City's Request for Special Prosecutor in Officer-Involved Shooting**

Mayor Judy Kennedy and City officials have received word from the office of Governor Andrew Cuomo that their recent request for a special prosecutor to investigate the shooting of Michael Lembhard on March 7, 2012 by City of Newburgh Police has been denied. The Governor's Office stated that New York State Law restricts the appointment of a Special Prosecutor to the rare instances when the District Attorney chooses not to conduct the investigation. Those circumstances are not involved here where the Orange County District Attorney is investigating.

At a special meeting on Friday, March 9, City Council passed a resolution to petition the Governor for a Special Prosecutor, and on the following Monday, City Manager Richard F. Herbek hand-delivered a letter with their request and the resolution to Governor Cuomo's office. City officials also have been in regular contact with the Governor's Office of Public Safety, New York State and U.S. Attorney Generals' Offices, NYS Senator William Larkin and U.S. Senator Kirsten Gillibrand, and have worked consistently with representatives from the Department of Justice and the New York State Division of Human Rights.

In the absence of a Special Prosecutor, a Grand Jury will be convened to review the officer-related shooting. The New York State Police Major Crimes Unit Troop F, the Orange County Medical Examiner's office and the Orange County District Attorney's Office under the direction of District Attorney Frank Phillips are the Lead Agencies conducting the investigation.

Mayor Kennedy commented, "While we have worked hard to get a Special Prosecutor and are disappointed that one will not be assigned, we are united in our commitment to ensuring a fair and just outcome to this tragic event and we will cooperate with the investigation in every way. We are pleased that the State is committing resources to assist in the conduct of this investigation. As we come together in this commitment, we also ask the community to come together- peacefully, cooperatively and in support of the investigation as it moves forward to find the truth."